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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13

14 SHELDON LOCKETT,

15 Plaintiff,

17 v.

18 COUNTY OF LOS ANGELES, et al.,

20 Defendants.

Case No.: 18-CV-5838-DSF-JPR

**PLAINTIFF'S MEMORANDUM OF
CONTENTIONS OF FACT AND
LAW**

Pre-Trial
Conference: November 15, 2021
Time: 3:00 p.m.

Trial: December 14, 2021
Time: 8:30 a.m.

Judge: Hon. Dale S. Fischer
Courtroom: 7D
Courthouse: First Street Courthouse
350 West 1st Street
Los Angeles, CA

Pursuant to Local Rule 16-4, Plaintiff SHELDON LOCKETT hereby submits the following Memorandum of Contentions of Fact and Law:

I. INTRODUCTION

This civil rights case arises out of excessive force used on plaintiff Sheldon Lockett, a young African American man, by Deputy Samuel Aldama (“**Deputy Aldama**”) of the Los Angeles County Sheriff’s Department (“**LASD**”). The parties have stipulated that Sheldon Lockett was arrested on January 15, 2016 and that at all relevant times, Deputy Aldama was employed by the LASD and acting under color of law.

This case also presents a much broader *Monell* claim stemming not just from Deputy Aldama’s actions, but also from the entire group of deputies involved with Mr. Lockett’s arrest, focusing on the entire excessive force used, the false reporting, and the interaction of all these facts with the Executioners deputy gang at the Compton Sheriff Station.

II. SUMMARY OF KEY FACTS

A. INFILTRATION OF A VIOLENT DEPUTY GANG WITHIN THE COMPTON STATION OF THE LOS ANGELES SHERIFF’S DEPARTMENT

Underlying this excessive force and *Monell* case is a history of more than forty years of violent deputy gangs in the Los Angeles Sheriff’s Department.¹ A deputy gang is an internal LASD subgroup that engages in criminal gang-like behavior. A brief history of these deputy gangs puts the metastasized cancer these gangs represent – especially the Compton Executioners deputy gang (largely exposed through this case) – into perspective.

In 1971, a secret society developed at the East Los Angeles Sheriff’s Station

¹ Rand Corporation Research Report “Understanding Subgroups Within the Los Angeles County Sheriff’s Department: Community and Department Perceptions with Recommendations for Change” (marked for trial as Exhibit 223).

1 called the Little Devils. This group of white deputies were responsible for wreaking
 2 havoc with the aggressive policing of largely African American and Hispanic
 3 communities. In subsequent decades, deputy gangs such as the Pirates, Cavemen,
 4 Rattlesnakes, and Vikings were formed within the Department in stations servicing
 5 minority communities. In a federal lawsuit against the Sheriff's Department, U.S.
 6 District Court Judge Terry Hatter called the Vikings gang a "Neo-Nazi, white
 7 supremacist gang." *See Thomas v. County of Los Angeles*, 978 F.2d 504, 511 (9th
 8 Cir. 1992), *as amended* (Feb. 12, 1993).

9 While media coverage in the early 1990s focused on the Vikings, the media
 10 focused in the late 1990s and early 2000s on the Regulators.² Media in the early
 11 2010s focused on deputy gangs in the jails, including the 3000 Boys, Jump Out
 12 Boys, and Operation Pandora's Box. More recently, the public has become aware of
 13 the Executioners and Banditos deputy gangs.³

14 A characteristic of deputy gangs is that they have an identifying tattoo. These
 15 tattoos are placed on the bodies of deputies who have "earned their ink" by
 16 committing violent acts against citizens. When a deputy gang member is attempting
 17 to join a gang, he is said to be "chasing ink." The Jump Out Boys' tattoo is a
 18 sinister-looking skeleton skull with piercing red eyes, pointing a gun. When a
 19 deputy has earned his ink with such a tattoo, as a further badge of honor, smoke
 20 coming out of the gun barrel is inked onto the tattoo, signifying that he has shot a
 21 citizen. Deputy gangs glorify shootings and encourage aggressive policing.

23 ² Counsel for the County has previously admitted to the existence of the Regulators
 24 deputy gang within LASD. *See* "Defendants' Objection to and Motion to Strike
 25 Plaintiff's Motion in Limine to Exclude Reference to the Regulators" in the case of
 26 *Jaimes v. County of Los Angeles, et al.* (LASC Case No. BC 331903) (marked for
 trial as Exhibit 227).

27 ³ Rand Corporation Research Report "Understanding Subgroups Within the Los
 28 Angeles County Sheriff's Department: Community and Department Perceptions
 with Recommendations for Change" (marked for trial as Exhibit 223).

1 The Compton Station Executioners' gang tattoo relevant to this case is a
 2 sinister looking skeleton holding an assault rifle surrounded by flames; he wears a
 3 World War II-era or Nazi-style helmet with the letters CPT, which stands for
 4 Compton. There are the Roman numerals XXVIII (Sheriff's 28th Substation) on the
 5 magazine of the rifle. Both inscriptions tie the tattoo to the LASD Compton Station.
 6 A composite photograph of the tattoo on Deputy Aldama's calf as well as the calves
 7 of two other deputies with the same tattoo—Deputy Orrego and Deputy Benzor—is
 8 attached as **Exhibit "1."**

9 **B. DEPOSITION OF DEPUTY SAMUEL ALDAMA IN THE**
 10 **TAYLOR CASE**

11 This case follows a prior State Court case, *Taylor v. County of Los Angeles, et*
 12 *al.*, in which Deputy Aldama was named as one of several defendants. A secret
 13 Compton Station deputy gang was revealed during discovery in the *Taylor* case,
 14 though the name of the group would not be made public until two years later. The
 15 *Taylor* case arose from Deputy Aldama and his partner Mizrain Orrego's fatal
 16 shooting of an unarmed African American man, Donta Taylor, on August 25, 2016
 17 (approximately eight months after the incident involving Plaintiff Sheldon Lockett).
 18 Both Deputy Aldama and Deputy Orrego claimed they saw a gun in Taylor's
 19 waistband, but no gun was found.

20 On May 16, 2018, the *Taylor* plaintiffs took the deposition of Deputy
 21 Aldama. Deputy Aldama made several shocking revelations during his testimony,
 22 including the following statements:

- 23 • When Deputy Aldama was asked, "Do you have any ill feelings toward
 24 African Americans?" he responded – after an incredible minute-long delay
 25 – "I do."
- 26 • In 2016, two months before the shooting of Taylor, Deputy Aldama got a
 27 tattoo on his leg of a skeleton wearing a helmet with the letters "CPT"

1 Compton and holding a gun, surrounded by flames. *See* Exhibit “1.”

- 2 • The tattoo was done by a ‘guy’ whose name Deputy Aldama claimed not
- 3 to know, and who came to Deputy Aldama’s house to tattoo him after
- 4 Deputy Aldama was referred to the ‘guy’ by a male Hispanic friend at the
- 5 Compton Station. Deputy Aldama claimed not to remember the identity of
- 6 the friend who referred him to the tattooist artist.
- 7 • Between 10-20 of Deputy Aldama’s “peers” at the Compton station have
- 8 the same tattoo.

9 Deputy Aldama’s revelation about the Compton Station deputy gang put into
 10 motion what was then hoped to be an unprecedented investigation of the LASD
 11 deputy gangs. In reaction to the worldwide call for investigation and reform
 12 spawned by the *Taylor* case, former Los Angeles County Sheriff Jim McDonnell
 13 announced to the Sheriff Civilian Oversight Commission a new study of deputy
 14 gangs (also referred to as “cliques” or secret societies), stating, “No one has
 15 undertaken a serious, comprehensive study of the issue; and I intend, on my watch,
 16 to get to the bottom of this.”

17 Unfortunately, nothing happened during Sheriff McDonnell’s tenure. His
 18 successor, Los Angeles County Sheriff Alex Villanueva, who replaced Sheriff
 19 McDonnell in the election that took place in the face of the public outcry over secret
 20 deputy gangs, also failed to tackle the issue.

21 **C. A WHISTLEBLOWER DEPUTY, AUSTREBERTO GONZALEZ,**
 22 **COMES FORWARD IN JUNE 2020**

23 Although Plaintiff was aware of Deputy Aldama’s tattoo after the deposition
 24 in the *Taylor* case, all defendants denied that a deputy gang existed at the Compton
 25 Station or that the tattoo Deputy Aldama and his colleagues shared was a symbol of
 26 membership in a deputy gang. Attempts to conduct discovery into this area of
 27 inquiry were repeatedly stonewalled by the County and Department defendants.
 28

1 In June 2020, LASD deputy sheriff Austreberto Gonzalez, who worked at the
 2 Compton Station, filed a claim against the County detailing his knowledge of the
 3 secretive deputy gang at the station called the “Executioners.” Deputy Gonzalez was
 4 deposed on August 11, 2020. He worked for five years as a deputy at Compton
 5 Station, from 2015-2020, and provided the names of deputies who were either
 6 members of the group (sharing the same tattoo as Deputy Aldama) or who were
 7 “prospects” that were “chasing ink,” i.e., attempting to get permission to join the
 8 group and receive the tattoo. Deputy Gonzalez testified that the Executioners do not
 9 allow African American or female deputies to join the group. He further testified
 10 that Captain Michael Thatcher (now a Commander) and other supervisors at the
 11 station knew about and tolerated the Executioners, and the members of the group
 12 openly displayed the tattoo insignia on, for example, their desktop computer
 13 workstations at the station.

14 The systematic misconduct carried out by Executioners or prospects included
 15 all of the following: calling in a “ghost gun” or “ghost 417,” in which deputies
 16 falsely reported over the shared radio system that a suspect had a gun in order to get
 17 other deputies to the scene to “contain” the suspect; purposefully carrying out
 18 excessive force including fatal shootings; inflating the arrest statistics in Compton as
 19 a way to curry favor with the station’s leadership; and carrying out an arrest quota
 20 on the orders of Captain Thatcher (then captain at the Compton Station).

21 **D. DEPUTY ALDAMA’S HISTORY OF PROBLEMATIC**
 22 **BEHAVIOR ON AND OFF DUTY**

23 In July 2016, seven months after the subject incident involving Plaintiff,
 24 Deputies Aldama and Orrego were profiled by the *New York Times* in an article
 25 about policing in America. The reporter participated in a ride-along with the
 26 deputies while they patrolled Compton. The reporter described the following scene:

27 “[A] young man at the end of the block takes off running. He ducks
 28

1 into the shadows behind an abandoned house, and he's gone. Deputy
 2 Samuel Aldama, 29, hits the gas. The cruiser flies to the end of the
 3 dead-end street, and in an instant both he and Deputy Orrego are out
 4 of their car, yelling at a group of black men to put their hands in the
 5 air. Each deputy keeps a finger on his weapon.... Deputy Orrego is
 6 convinced that there is a gun here – or, at least, that there was one.

7 **'Every time you get three of these guys together, you know they**
 8 **have a gun somewhere,'** Deputy Orrego says."⁴

9 As will be described below, this case arose from a false radio call by Deputy
 10 Aldama and Deputy Orrego that Plaintiff was brandishing a gun – a “ghost gun”
 11 call. The facts of this case demonstrate a pattern and practice of Deputy Aldama in
 12 stopping, pursuing, and using force against unarmed African Americans.
 13 Specifically, in the *Taylor* case, Deputy Aldama acted eerily similar in the stop,
 14 pursuit, and eventual fatal shooting of a young man named Donta Taylor. Taylor
 15 was falsely accused of brandishing a weapon, chased down like a dog, and shot
 16 dead, unarmed. No gun was ever recovered from the scene.

17 Another disturbing incident involving Deputy Aldama and his then-domestic
 18 partner (now wife) Ivett Silva calls into question Deputy Aldama's truthfulness. On
 19 February 19, 2017, Ms. Silva called 911 and said that Deputy Aldama, “hit” and
 20 “slapped” her, and that alcohol was involved. At the first session of his deposition
 21 on December 19, 2019, Deputy Aldama denied slapping Ms. Silva. At his previous
 22 deposition in the *Taylor* case, taken on May 6, 2018, Deputy Aldama had testified
 23 that Ms. Silva accused him of “being loud” when she made the 911 call and claimed
 24 he did not know if she accused him of hitting her; he denied hitting her at that time
 25 as well.

26
 27 ⁴ *Patrolling an Anxious America*, The New York Times, July 23, 2016 (emphasis
 28 added) (marked for trial as Exhibit 30).

1 **E. THE LOCKETT INCIDENT**

2 Against this backdrop – both the history of deputy gangs within the
3 Department as well as the personal history of Deputy Aldama and his partner
4 Deputy Orrego – Sheldon Lockett was stopped, chased, and beaten for a crime he
5 never committed on January 15, 2016.

6 Around 3:00 p.m. that day, Mr. Lockett and two friends were standing in front
7 of a house in the City of Compton on a residential sidewalk. Mr. Lockett had been
8 working that day and met with friends in broad daylight.

9 Unbeknownst to Mr. Lockett, there had been a drive-by shooting relatively
10 close by a short time before this subject incident occurred. Deputies Orrego and
11 Aldama heard the call regarding the incident and the description of the shooter: a
12 Black male wearing a “beanie” hat. Mr. Lockett did not match the description of the
13 shooter, other than being a Black male. When Deputies Orrego and Aldama saw Mr.
14 Lockett and his friends, they drove their patrol car in a rapid and aggressive manner
15 towards Mr. Lockett. They exited their patrol car with their guns already drawn and
16 trained on Lockett and his friends, shouting commands in loud voices. Mr. Lockett
17 was scared and in a classic fight or flight reaction—not uncommon for young
18 African American men in Compton—he instinctively ran from the aggressive
19 sheriff’s deputies pointing a gun at him.

20 Even though Lockett was unarmed and had been doing nothing wrong, simply
21 standing on a sidewalk with some friends, Deputy Orrego transmitted a false
22 Department-wide radio broadcast stating that Mr. Lockett had produced a gun from
23 his waistband and was fleeing the scene. Importantly, Deputy Aldama knew this
24 claim to be false, but proceeded to chase Mr. Lockett anyway.

25 This false radio broadcast was a substantial factor in causing the events that
26 occurred thereafter, in part because it summoned other deputies to the scene to assist
27 in Mr. Lockett's apprehension, all with the false thought that Mr. Lockett was armed
28

1 and dangerous, stemming from the classic “ghost gun” radio broadcast.

2 Mr. Lockett ran and attempted to hide in the enclosed patio of a nearby home.
3 When he was found by the deputies, he attempted to surrender to them. Among
4 other things, they fired an electronic taser twice on Mr. Lockett while he was face
5 down and attempting to surrender. Deputy Aldama severely battered Mr. Lockett,
6 striking him with his fist and his baton or flashlight. In addition, during this vicious
7 attack, the deputies were yelling vile racial epithets at Mr. Lockett, including calling
8 him “nigger” repeatedly.

9 Following his arrest and after being viciously beaten (as well as tased and hit
10 with pepper spray) Lockett was handcuffed and then presented – without any
11 exigent circumstances – in a field show-up while surrounded by numerous deputies,
12 handcuffed and battered, to a potential eyewitness to the drive-by shooting.
13 Violating standard police practices and procedures, the witness was told before she
14 was taken to where Mr. Lockett was that they were taking her to where they had
15 “the guy,” referring to the shooter. Additionally, the witness claims that she was
16 never read the standard field identification card. With this unduly suggestive field
17 identification placed in motion, she identified Mr. Lockett as the shooter.

18 As it turns out, the deputy who presented the witness for the field
19 identification Deputy Rogelio Bensor, was a fellow tattooed member of the
20 Executioners deputy gang. Deputies Aldama, Orrego, and Bensor all denied at their
21 depositions that the tattoos they share in common were related or were tattooed by
22 the same person. Plaintiff’s retained expert witness in tattoos will refute this claim.

23 **F. THE COUNTY AND DEPARTMENT TOLERATED DEPUTY**
24 **ALDAMA AND FELLOW EXECUTIONERS’ USE OF**
25 **EXCESSIVE FORCE AND FALSE REPORTING**

26 Based on this series of events, Mr. Lockett was arrested for brandishing a
27 weapon and resisting arrest, then charged with attempted murder. In Deputy
28

1 Aldama's written report, he claimed that he stopped Mr. Lockett because he
2 matched the description of the drive-by shooter—a demonstrably false claim given
3 the only similarity was that both were Black males. Deputy Aldama then amended
4 his report falsely claiming he stopped Mr. Lockett because Mr. Lockett was
5 violating a Compton Municipal Code section by drinking a beer on the sidewalk.

6 Mr. Lockett was held in jail for eight months before he was eventually
7 released with all charges against him dropped. At his preliminary hearing, the
8 witness, this time not subjected to the unduly suggestive field identification events,
9 clearly and unambiguously testified that Mr. Lockett was not the shooter.

10 Though Mr. Lockett was eventually released, he spent eight months in jail for
11 a crime he never committed, facing two life sentences in prison, all stemming from
12 the initial false “ghost gun” radio call and the unnecessary, aggressive confrontation
13 spearheaded by Deputy Aldama. The County tolerated and condoned the violation
14 of Mr. Lockett's rights by failing to investigate the drive-by shooting: for example,
15 the gunshot residue (“GSR”) found at the scene of the shooting on spent bullet
16 casings was never chemically compared to GSR found on Mr. Lockett's hands (after
17 he was beaten and touched by deputies who had been holding guns, likely
18 transferring the GSR to him) to confirm a match. In another example, the friends
19 with whom Mr. Lockett was standing on the sidewalk were never interviewed by
20 investigators. From the involved officers to their supervisors to the highest levels of
21 LASD leadership, Defendants were complicit in all of the ongoing consequences
22 stemming from Deputy Aldama's use of force against Mr. Lockett and the cover up
23 that followed.

24 Along with compensating Mr. Lockett for his injuries, this case presents the
25 perfect opportunity for the Court to intervene and take some action to address the
26 secret deputy gangs within the Sheriff's Department, something that the upper
27 echelon of the Sheriff's Department has refused to do, with Sheriff Villanueva
28

1 fighting all efforts being taken by the County Board of Supervisors and the Los
2 Angeles County Sheriff Civilian Oversight Commission.

3 **III. CLAIMS AND DEFENSES**

4 **A. SUMMARY OF PLAINTIFF'S CLAIMS**

5 **Claim 1: Excessive Force.** Defendant Aldama used excessive force against
6 Plaintiff in violation of Plaintiff's Fourth Amendment rights and 42 U.S.C. § 1983.
7 Plaintiff seeks all compensatory damages as well as punitive damages and
8 attorneys' fees.

9 **i. Elements.**

- 10 1. Defendant Aldama acted under the color of law;
11 2. Defendant Aldama used excessive force against Plaintiff;
12 3. The excessive force was a cause of injury, damage, loss, or harm to
13 Plaintiff.

14 The jury may consider:

- 15 a. The severity of the crime or other circumstances to which
16 Deputy Aldama was responding;
17 b. Whether Plaintiff posed an immediate threat to the safety of
18 Deputy Aldama or to others;
19 c. Whether Plaintiff was actively resisting arrest;
20 d. The amount of time and any changing circumstances during
21 which Deputy Aldama had to determine the type and amount of
22 force that appeared to be necessary;
23 e. The type and amount of force used; and
24 f. The availability of alternative methods to subdue Plaintiff.

25 *See Ninth Circuit Manual of Model Jury Instructions, No. 9.22.*

26 **ii. Key Evidence in Support**

27 Plaintiff's key evidence will include (1) the testimony of witnesses present at
28

1 the scene when excessive force was used against Plaintiff including Plaintiff; his
2 friends Timothy, Gary, and Eboni Campbell; Deputy Aldama; Deputy Orrego;
3 Deputy Embleton; and Deputy Feria; (2) testimony of witnesses involved in the
4 drive-by shooting investigation including Deputy Benzor; Imunique Ross, who
5 identified Lockett in the improper field show-up; criminalist Kristina Fritz; and GSR
6 forensic expert Kenton S. Wong; (3) witnesses knowledgeable of the County's use
7 of force policies, including LASD Commander Michael Thatcher and Captain
8 William Jaeger; (4) various witnesses with knowledge of the Banditos deputy gang,
9 as well as Aldama's activities with the Banditos after being transferred to the East
10 Los Angeles Station; (5) various expert witnesses, including Plaintiff's police
11 practices expert Roger Clark; witness identification expert Mitchell Eisen; cell
12 phone data expert Matthew Gabler; forensic analyst regarding arrest statistics Ed
13 Garcia; GSR forensic expert Bryan Burnett; and tattoo expert Charles Shinn. Other
14 key evidence includes the various LASD incident reports and investigatory reports
15 relating to the incident; transcripts of relevant radio calls that went out regarding the
16 drive-by shooting and the allegation Plaintiff had a gun; photographs of the scene;
17 and Plaintiff's medical records, along with testimony by the treating physicians who
18 prepared said records.

19 **iii. Key Facts To Be Established By Evidence**

20 The key facts expected to be established by the aforementioned evidence
21 include the following:

- 22 a. Officers had no prior knowledge of Mr. Lockett;
- 23 b. Mr. Lockett was not committing any crimes when he was approached by
24 Deputy Aldama and Deputy Orrego;
- 25 c. Mr. Lockett did not match the description of the drive-by shooting suspect;
- 26 d. Deputy Aldama and Deputy Orrego aggressively confronted Mr. Lockett
27 with guns drawn and pointed at him;
- 28

- e. Deputies falsely reported that Mr. Lockett had a gun in his waistband;
- f. Deputy Aldama knew the report that Mr. Lockett had a gun was false;
- g. Deputies chased Mr. Lockett after her ran;
- h. Mr. Lockett was found hiding in the patio of a nearby home;
- i. Mr. Lockett was severely beaten by Deputy Aldama with fists and/or baton;
- j. Mr. Lockett was attempting to surrender while deputies beat him;
- k. Deputies used the racial epithet “nigger” while beating Mr. Lockett;
- l. No gun was ever recovered from Mr. Lockett’s person or the scene;
- m. Mr. Lockett never attacked any of the deputies;
- n. Deputy Aldama was a member of the Executioners deputy gang based out of the Compton Station;
- o. Deputy Aldama had a pattern and practice of confronting apparently unarmed citizens, calling in a “ghost gun,” and using excessive force against the citizen;
- p. Deputy Aldama had ill feelings toward African Americans in general;
- q. Mr. Lockett was injured by the force used against him by Deputy Aldama;
- r. Deputy Aldama’s tactics were not in conformity with appropriate policing standards;
- s. The identification procedure to identify Mr. Lockett as the shooter was not in conformity with appropriate policing standards; and
- t. Plaintiff was not armed with a gun at any time on January 15, 2016.

Claim 2: Monell Claim. Defendants County of Los Angeles and the Los Angeles Sheriff’s Department had official policies, practices, or customs that failed to prevent violations of law by their employees, and/or were the known or obvious consequences of their failure to train their deputy sheriffs adequately, and/or

1 resulted in the ratification of unlawful actions of their employees by their
2 employees' superiors.

3 **i. Elements**

- 4 1. Defendant Aldama acted under the color of law;
- 5 2. Defendant Aldama deprived Plaintiff of his particular rights under the
6 United States and the United States Constitution;
- 7 3. Defendant Aldama acted pursuant to a widespread or longstanding
8 practice or custom of defendants County of Los Angeles and the Los
9 Angeles County Sheriff's Department;
- 10 4. Defendants County of Los Angeles and the Los Angeles County
11 Sheriff's Department's widespread or longstanding practice or custom
12 caused deprivation of Plaintiff's rights by defendant Aldama;
- 13 5. Defendants County of Los Angeles and the Los Angeles County
14 Sheriff's Department's widespread or longstanding practice or custom
15 is so closely related to the deprivation of Plaintiff's rights as to be the
16 moving force that caused the ultimate injury;
- 17 6. As to ratification, Defendants County of Los Angeles and the Los
18 Angeles County Sheriff's Department knew of defendant Aldama's
19 actions and made a deliberate choice to approve of these actions and
20 the basis for them;
- 21 7. That the training policies of Defendants County of Los Angeles and the
22 Los Angeles County Sheriff's Department were not adequate to prevent
23 violations of law by its employees or to train its police officers to
24 handle the usual and recurring situations with which they must deal;
25 and
- 26 8. Defendants County of Los Angeles and the Los Angeles County
27 Sheriff's Department were deliberately indifferent to the substantial
28

1 risk that its policies were inadequate to prevent violations of law by its
2 employees or the known or obvious consequences to train its police
3 officers and sheriff deputies adequately.

4 See Ninth Circuit Manual of Model Jury Instructions, No. 9.5, 9.7, and 9.8.

5 **ii. Key Evidence in Support**

6 Plaintiff's key evidence includes the testimony of Plaintiff; Deputy Aldama;
7 Deputy Orrego; Timothy, Gary, and Eboni Campbell; Deputy Benzor; Deputy
8 Embleton; Deputy Feria; Imunique Ross; Commander Michael Thatcher; Captain
9 William Jaeger; retired LASD deputy sheriff Neal Tyler; whistleblower Deputy
10 Austreberto Gonzalez and others who have since come forward; various witnesses
11 identified as being "Executioners" or prospects to join the Executioners group;
12 litigants involved in pending cases which have uncovered information about the
13 Executioners through discovery; various witnesses with knowledge of the Banditos
14 deputy gang, as well as Aldama's activities with the Banditos after being transferred
15 to the East Los Angeles Station; and various expert witnesses including Plaintiff's
16 experts named above. Plaintiff also expects to call various witnesses engaged in the
17 investigation into deputy gangs in the Los Angeles County Sheriff's Department
18 including Sheriff Villanueva; Supervisors Sheila Kuehl and Hilda Solis; the authors
19 of the Rand Corporation study commissioned by the County in 2019
20 (*Understanding Subgroups Within the Los Angeles County Sheriff's Department*);
21 members of the Los Angeles County Sheriff Civilian Oversight Commission
22 including Inspector General Max Huntsman; and Professor Sean Kennedy, the
23 author of *Fifty Years of "Deputy Gangs" in the Los Angeles County Sheriff's*
24 *Department: Identifying Root Causes and Effects to Advocate for Meaningful*
25 *Reform*.

26 **iii. Key Facts To Be Established By Evidence**

27 The key facts expected to be established by the aforementioned evidence
28

1 include the following:

- 2 a. The problem of violent deputy gangs in the Los Angeles Sheriff's
- 3 Department has existed for at least 40 years;
- 4 b. Despite this longstanding problem, the County and LASD have repeatedly
- 5 failed to investigate or discipline deputy gangs and their members;
- 6 c. The County and LASD have repeatedly denied the existence of any deputy
- 7 gangs;
- 8 d. The Compton Station has been permeated by a violent deputy gang called
- 9 the Executioners;
- 10 e. The Executioners operated at Compton Station with impunity;
- 11 f. Members of the Executioners used violence against members of the public
- 12 in order to increase their standing within the gang;
- 13 g. Deputies seeking to join the gang are called "prospects" and purposefully
- 14 carry excessive force as a means of "chasing ink," i.e., gaining admission
- 15 into the gang;
- 16 h. "Inking" refers to the act of tattooing the newly made member of the
- 17 Executioners with the common station tattoo;
- 18 i. Deputy Aldama, Deputy Orrego, and Deputy Benzor are all "inked"
- 19 members of the Executioners;
- 20 j. Approximately 15-20 deputy sheriffs at the Compton Station are inked
- 21 members of the Executioners;
- 22 k. Approximately 20 other deputies were "prospects";
- 23 l. The leadership at Compton Station including then-Captain Michael
- 24 Thatcher knew of the existence of the Executioners;
- 25 m. The leadership at Compton Station including Captain Thatcher tolerated
- 26 and ratified the Executioners' actions at Compton Station;
- 27 n. The County and Department could implement policies to end deputy
- 28

- 1 gangs, but have failed to do so;
- 2 o. Deputy Aldama targeted Mr. Lockett for excessive force as part of
- 3 “chasing ink” to join the Executioners;
- 4 p. Deputy Aldama falsely claimed in his written report that Mr. Lockett
- 5 matched the description of the drive-by shooter;
- 6 q. Deputy Aldama falsely claimed in his written report that Mr. Lockett was
- 7 stopped because he was drinking beer on the sidewalk;
- 8 r. Deputy Aldama was encouraged by his supervisor to write false reports;
- 9 s. The County and LASD tolerated and ratified the practice of making false
- 10 claims on the shared internal radio, and failed to discipline deputies who
- 11 engaged in such practices;
- 12 t. The County and LASD tolerated and ratified the practice of writing false
- 13 police reports, and failed to discipline deputies who engaged in such
- 14 practices;
- 15 u. The County could have compared the gunshot residue found on Mr.
- 16 Lockett with the gunshot residue found at the scene of the drive-by
- 17 shooting, but did not; and
- 18 v. The investigation into the crime of which Mr. Lockett was accused did not
- 19 meet police investigatory or prosecutorial standards.

20

21 **Claim 3: Punitive Damages Against Defendant Aldama.**

22 **i. Elements**

- 23 1. Deputy Aldama’s conduct was malicious, oppressive or in
- 24 reckless disregard of Plaintiff’s rights.

25 *See Ninth Circuit Manual of Model Jury Instructions, No. 5.5.*

26 **ii. Key Evidence in Support**

27 Plaintiff anticipates much of the above-referenced evidence in support of the

28

1 excessive force and *Monell* claims will also support the punitive damages claim. In
2 addition, Plaintiff expects to offer subpoenaed records about Deputy Aldama's net
3 worth.

4 **iii. Key Facts To Be Established By Evidence**

5 a. Deputy Aldama acted with malice, oppression, and reckless disregard of
6 Plaintiff's rights throughout the January 15, 2016 incident.

7 **B. DEFENDANTS' COUNTERCLAIMS AND DEFENSES**

8 Plaintiff anticipates that Defendants will assert the following affirmative
9 defenses:

10 **Defense 1:** Deputy Aldama's use of force was reasonable under the
11 circumstances.

12 **Elements:** See above (Ninth Circuit Manual of Model Jury Instructions, No.
13 9.22).

14 **Defense 2:** Members of the alleged deputy gang did not engage in a pattern of
15 constitutional violations.

16 **Elements:** See above (Ninth Circuit Manual of Model Jury Instructions, No.
17 9.5, 9.7, and 9.8).

18 **Defense 3:** The County/LASD do not have a custom or practice of failing to
19 investigate or discipline deputy gangs or their members.

20 **Elements:** See above (Ninth Circuit Manual of Model Jury Instructions, No.
21 9.5, 9.7, and 9.8).

22 **Defense 4:** The County/LASD's failure to investigate deputy gangs or their
23 members was not the "moving force" behind Plaintiff's injuries.

24 **Elements:** See above (Ninth Circuit Manual of Model Jury Instructions, No.
25 9.5, 9.7, and 9.8).

26 **Defense 5:** The County/LASD were not deliberately indifferent in its policies
27 about investigating and disciplining deputy gangs or their members.
28

1 Elements: See above (Ninth Circuit Manual of Model Jury Instructions, No.
2 9.5, 9.7, and 9.8).

3 **Defense 6:** The County/LASD did not ratify deputy misconduct.

4 Elements: See above (Ninth Circuit Manual of Model Jury Instructions, No.
5 9.5, 9.7, and 9.8).

6 **IV. ANTICIPATED EVIDENTIARY ISSUES**

7 Plaintiff has filed the following motions *in limine*:

- 8 1. Motion *in Limine* No. 1 to Exclude Prejudicial Evidence Under Federal
9 Rule of Evidence 403:
- 10 A. Any argument or evidence regarding Plaintiff's tattoos;
- 11 B. Any argument or evidence relating to the failure to criminally
12 charge Deputy Aldama, Deputy Orrego, or any other police officers
13 involved in Plaintiff's arrest in connection with the subject incident
14 upon which this action is based;
- 15 C. Any argument or evidence relating to the failure to criminally
16 charge Deputy Aldama or Deputy Orrego in connection with the
17 *Taylor v. County of Los Angeles* matter (Los Angeles Superior
18 Court Case No. TC028803);
- 19 D. Any argument or evidence relating to any commendations or
20 equivalent recognition that Deputy Aldama received prior or
21 subsequent to the subject incident;
- 22 E. Any argument or evidence relating to the video of Plaintiff taken in
23 the course of a traffic stop after the subject incident (attached as
24 Exhibit 5 to the transcript of the first session of deposition of
25 Plaintiff's expert Dr. Michele Cooley-Strickland); and
- 26 F. Any argument or evidence during the liability phase of trial relating
27 to Plaintiff's criminal history prior to the subject incident.
- 28

2. Motion *in Limine* No. 2 to Exclude Hearsay Evidence that Witness ‘Heard’ Plaintiff Had Drugs on Him at Time of Subject Incident; and
3. Motion *in Limine* No. 3 to Exclude Defendants’ Expert Witness Darryl Zenger From Testifying Due to Conflict of Interest.

Plaintiff anticipates the following evidentiary disputes:

1. Plaintiff’s Criminal Convictions. Plaintiff has several misdemeanor convictions which should be excluded from the liability phase of trial, as any probative value of such evidence is outweighed by the dangers of prejudice and inflaming the jury’s passion.
2. Plaintiff’s Expert Dr. Michele Cooley-Strickland. Plaintiff anticipates that Defendants will seek to disqualify Dr. Cooley-Strickland, Plaintiff’s treating psychotherapist.

V. BIFURCATION OF ISSUES

Plaintiff has brought a motion to bifurcate trial into a Phase One covering liability followed by a Phase Two covering damages or, alternatively, to trifurcate trial into a 1) liability phase, 2) compensatory damages phase, and 3) punitive damages phase.

Defendants have brought a competing motion to bifurcate trial into a Phase One covering Defendant Aldama’s liability for excessive force and Plaintiff’s damages and a Phase Two covering the public entity defendants’ liability under *Monell* and punitive damages against Deputy Aldama.

VI. THE TRIAL IS BY JURY

The issues herein are triable to a jury as a matter of right. The parties made a timely demand for trial by jury.

VII. ATTORNEYS’ FEES

If Plaintiff prevails, reasonable attorney fees are recoverable pursuant to 42 U.S.C. § 1983.

1 **VIII. ABANDONMENT OF ISSUES**

2 Plaintiff has previously abandoned his claim for excessive force only as to
3 former defendant Mizrain Orrego. The Court has denied Plaintiff's motion to amend
4 the complaint to add a cause of action for fabrication of evidence as to defendant
5 Aldama.⁵

6
7 DATED: October 26, 2021

Respectfully submitted,

8 THE SWEENEY FIRM

9 and

10
11 GLICKMAN & GLICKMAN,
12 A LAW CORPORATION

13 By /s/ Steven C. Glickman

14 John E. Sweeney

15 Steven C. Glickman

16 Attorneys for Plaintiff

17 SHELDON LOCKETT

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25
26 ⁵ Plaintiff maintains that this fabrication of evidence claim as to Deputies Aldama
27 and Orrego has been part of the action since the beginning as set forth in Plaintiff's
28 briefing on the motion to amend. The fabrication of evidence claim remains fully at
issue as part of the *Monell* claim.